



City of Abilene City Council Agenda

Weldon Hurt, Mayor Pro-tem
Shane Price, Council Member
Jack Rentz, Council Member
Robert Hanna, City Manager

Anthony Williams, Mayor

Donna Albus, Council Member
Kyle McAlister, Council Member
Travis Craver, Council Member
Stanley Smith, City Attorney
Shawna Atkinson, City Secretary

SPECIAL CALLED MEETING

Notice is hereby given of a Special Called meeting of the City Council of City of Abilene to be held on March 23, 2020, at 11:15 a.m., at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

INVOCATION

1. Mayor Pro-tem Weldon Hurt

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

2. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Extending the Mayor's Declaration of Local Disaster Issued March 16, 2020
3. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Temporarily Suspending the Requirements of the Public Information Act
4. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving a Chapter 380 Agreement with the United Way of Abilene

ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please call 325-676-6208.

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 20th day of March, 2020, at 10:00 a.m.

Shawna Atkinson, City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 3/23/2020

TO: Honorable Mayor and City Council Members

FROM: Robert Hanna, City Manager

SUBJECT: 2. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Extending the Mayor's Declaration of Local Disaster Issued March 16, 2020

GENERAL INFORMATION

On March 16, 2020, the Mayor issued a Declaration of Local Disaster due to the COVID-19 pandemic. The Declaration lasts for a period of 7 days, but may be extended for additional 7 day periods by the City Council.

SPECIAL CONSIDERATIONS

On March 19, 2020, the Governor of the State of Texas issued his Executive Order GA-08 which is effective state-wide as of 11:59 p.m., March 20, 2020.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution Extending Declaration of Local Disaster COVID-19
2. Declaration of Local Disaster - 03-16-2020 (1)
3. Order by the Mayor of Abilene - 03-16-2020 (1)
4. First Modified Order - 03-18-2020
5. EO-GA 08 COVID-19 preparedness and mitigation IMAGE 03-19-2020

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL, CITY OF ABILENE, TEXAS, RENEWING AND CONTINUING THE MAYOR'S DECLARATION OF DISASTER ISSUED ON MARCH 16, 2020 AS HEREIN MODIFIED.

WHEREAS, on March 16, 2020, the Mayor of the City of Abilene, by proclamation, issued a Declaration of Local Disaster; and

WHEREAS, on March 16, 2020, the Mayor of the City of Abilene issued his Order prohibiting the number of persons who may gather within the city limits to 250 or more beginning March 18, 2020; and

WHEREAS, on March 18, 2020, the Mayor of the City of Abilene issued his First Modified Order prohibiting the number of persons who may gather within the city limits to 50 or more beginning at 8:00 p.m., March 22, 2020, and to 10 or more beginning at 5:00 p.m. on the day that the Abilene-Taylor County Public Health District announces the confirmation of a positive COVID-19 test result; and

WHEREAS, on March 19, 2020, the Governor of the State of Texas issued his Executive Order GA-08, effective 11:59 p.m. on March 20, 2020, and continuing until 11:59 p.m. on April 3, 2020, subject to extension; and

WHEREAS, the Governor's Executive Order GA-08 has a state-wide effect; and

WHEREAS, the Mayor's Declaration of Local Disaster must be renewed and continued every 7 days by the City Council of the City of Abilene.

NOW THEREFORE, IT IS HEREBY RESOLVED AND DECLARED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

1. That the City Council hereby renews and continues the local state of disaster for the City of Abilene, Texas, pursuant to Section 418.108(b) of the Texas Government Code;
2. Pursuant to Section 418.108(c) of the Government Code, this renewal and continuation of the declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
3. Pursuant to Section 418.108(d) of the Government Code, this renewal and continuation of the declaration of a local state of disaster continues activation of the emergency management plan for the City of Abilene. The furnishing of aid and assistance under the declaration is hereby authorized. The appropriate preparedness and response aspects of the plan are continued.
4. The use of all available resources of the City of Abilene that are reasonably necessary to cope with this disaster are hereby authorized.

5. To the extent permitted by law, any local ordinance or administrative rule prescribing the procedures for conduct of City business or any local ordinance or administrative rule that would in any way prevent, hinder, or delay necessary action in coping with this disaster, including any local ordinance or administrative rule regarding contracting or procurement which would impede the City's emergency response necessary to cope with this declared disaster, are hereby suspended, but only for the duration of this declared local disaster and only for that limited purpose.
6. Pursuant to Section 418.108(g) of the Government Code, the City of Abilene may control ingress to and egress from a disaster area within the incorporated limits of the City of Abilene and control the movement of persons and the occupancy of premises in that area.
7. Pursuant to Section 122.006 of the Texas Health and Safety Code, the City of Abilene may adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease.
8. The virus that causes COVID-19 is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle an influx of patients and safeguard public health and safety.
9. In accordance with the Guidelines from the President of the United States and the Centers for Disease Control and Prevention (CDC), every person in the City of Abilene shall avoid social gatherings in groups of more than 10 people.
10. In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged throughout the limited duration of this Declaration.
11. In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.
12. This Declaration does not prohibit people from visiting a variety of places, including grocery stores, gas stations, parks, and banks, so long as the necessary precautions are maintained to reduce the transmission of COVID-19. This Declaration does not mandate sheltering in place. All critical infrastructure will remain operational, travel will remain unrestricted and government entities and businesses will continue providing essential services. For offices and workplaces that remain open, employees should practice good hygiene and, where feasible, work from home in order to achieve optimum isolation from COVID-19.

13. This Declaration shall take effect immediately from and after its issuance, and shall supersede the Order and First Modified Order issued by the Mayor.

ADOPTED this 23rd day of March, 2020.

ATTEST:

Anthony Williams, Mayor

Shawna Atkinson, City Secretary

APPROVED:

Stanley Smith, City Attorney

DECLARATION OF LOCAL DISASTER

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan, China; and

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath, and can range from mild to severe illness; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19, as a Public Health Emergency of International Concern, advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

WHEREAS, on March 13, 2020, a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak was issued by President Trump; and

WHEREAS, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Abbott to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texas; and

WHEREAS, the Mayor of the City of Abilene, Texas, has determined that extraordinary measures must be taken to prepare for, respond to, and mitigate the spread of COVID-19 within the city of Abilene, Texas, to protect the health and welfare of the residents and visitors of the city of Abilene; and

WHEREAS, large gatherings of individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and

WHEREAS, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings and presents an imminent threat of widespread illness, which requires emergency action; and

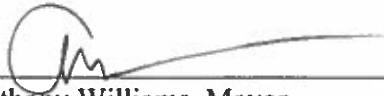
WHEREAS, a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease, epidemics, control the risk, and promote the health and safety of Abilene residents.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF ABILENE, TEXAS:

1. That a local state of disaster is hereby declared for the City of Abilene, Texas pursuant to Section 418.108(a) of the Texas Government Code.

2. Pursuant to Section 418.108(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven (7) days from the date of this declaration unless continued or renewed by the City Council of the City of Abilene, Texas.
3. Pursuant to Section 418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the city emergency management plan.
5. Pursuant to Health and Safety Code Section 122.006, the City may adopt rules to protect the health of persons in the City, and provide for the establishment of quarantine states, emergency hospitals, and other hospitals.
6. That the Mayor may issue separate Orders in response to this Declaration of Local Disaster and Section 418 of the Texas Government Code to effect the purpose of this Declaration.
7. That his proclamation shall take effect immediately from and after its issuance.

DECLARED this the 16th day of March 2020, in the City of Abilene, Taylor County, Texas, in witness whereof I subscribe my name and cause to be affixed the seal of the City of Abilene.



Anthony Williams, Mayor

FILED with me, the City Clerk of the City of Abilene, this 16th day of March 2020, by Mayor Anthony Williams, whose signature I hereby attest under my hand and the seal of the City of Abilene.



Shawna Atkinson, City Secretary



ORDER
BY
THE MAYOR OF THE CITY OF ABILENE

WHEREAS, on the 16th day of March, 2020, a Declaration of Local Disaster was issued to allow the City of Abilene to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Abilene residents; and

WHEREAS, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recommends an "All of Community" approach focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

WHEREAS, due to the substantial risks to the public, this Order PROHIBITS Community Gatherings of 250 persons or more anywhere in the City of Abilene beginning at 12:01 a.m. on March 18, 2020, and continuing for so long as the Declaration of Local Disaster is in effect, or unless terminated, modified or extended by other Order.

NOW THEREFORE, I, MAYOR OF THE CITY OF ABILENE, PURSUANT TO THAT AUTHORITY VESTED BY THE TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

Section 1. That the findings and recitations set out in the preamble of this ORDER are found to be true and correct and they are hereby adopted by the Mayor and made a part hereof for all purposes.

Section 2. That the findings and recitations set out in the Declaration of Local Disaster are found to be true and correct and they are hereby adopted by the Mayor and made a part hereof for all purposes.

Section 3. Effective as of 12:01 a.m. on Wednesday, March 18, 2020, and continuing for so long as the Declaration of Local Disaster is in effect, or unless terminated, modified or extended by other Order the Mayor of the City of Abilene, deems it in the public interest to **PROHIBIT any public or private Community Gatherings (as defined in Section 3, below) anywhere in the City of Abilene.**

Section 4. Definitions:

- a. For purposes of this Order, a “Community Gathering” is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together two-hundred fifty (250) or more persons at the same time in a single room or other single confined space or enclosed space, such as an auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, restaurant, or nightclub/bar, or any other confined indoor or confined outdoor space. For clarity, this includes, but is not limited to, weddings, religious gatherings, parties, funerals, sporting events, social events, conferences, music and art festivals, livestock events, agricultural events, rodeos, and other large gatherings.
- b. An outdoor “Community Gathering” under this Order is limited to events in confined outdoor spaces, which means an outdoor space that (i) is enclosed by a fence, physical barrier, or other structure and (ii) where people are present and they are within arm’s length of one another for extended periods.
- c. This Order also does not prohibit gatherings of people in multiple, separate enclosed spaces (including separate cubicles) in a single building such as a multiplex movie theater, school classrooms, or different floors of a multi-level building, so long as 250 people are not present in any single space at the same time. This Order also does not prohibit the use of enclosed spaces where 250 or more people may be present at different times during the day, so long as 250 or more people are not present in the space at the same time.
- d. For purposes of clarity, a “Community Gathering” does not include spaces where 250 or more persons may be in transit on buses, trains or airplanes; or waiting for transit, such as airports, bus stopes or terminals. In addition, “Community Gatherings” does not include the following spaces where 250 or more persons may congregate, so long as visitors are generally not within arm’s length or one another for extended periods:
 - (i) Office space or residential buildings;
 - (ii) Grocery stores, shopping malls, or other retail establishments where large numbers of people may be present but it is unusual for them to be within arm’s length of one another for extended periods; and
 - (iii) Hospitals and medical offices and facilities.

Section 5. That peace officers, City of Abilene Code Enforcement officers, and the Office of the Abilene Fire Marshall, are hereby authorized to enforce this Order. Persons who violate this Order violate Abilene City Code section 1-9. A violation is a misdemeanor punishable by a fine not to exceed \$500.

Section 6. The City of Abilene will post this Order on its website. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions of this Order.

ORDERED this the 16th day of March 2020, in the City of Abilene, Taylor County, Texas, in witness whereof I subscribe my name and cause to be affixed the seal of the City of Abilene.


Anthony Williams, Mayor

FILED with me, the City Clerk of the City of Abilene, this 16th day of March 2020, by Mayor Anthony Williams, whose signature I hereby attest under my hand and the seal of the City of Abilene.


Shawna Atkinson, City Secretary



FIRST MODIFIED ORDER

BY

THE MAYOR OF THE CITY OF ABILENE

WHEREAS, on the 16th day of March, 2020, a Declaration of Local Disaster was issued to allow the City of Abilene to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Abilene residents; and

WHEREAS, on the 16th day of March, 2020, an Order by the Mayor of the City of Abilene was issued prohibiting Community Gatherings of 250 or more persons; and

WHEREAS, the COVID-19 public health disaster is a quickly evolving public health and safety issue; and

WHEREAS, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) recommends an “All of Community” approach focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

WHEREAS, due to the substantial risks to the public, this Modified Order PROHIBITS Community Gatherings of 50 persons or more anywhere in the City of Abilene beginning at 8:00 p.m. on Sunday, March 22, 2020, and continuing for so long as the Declaration of Local Disaster is in effect, or unless terminated, modified or extended by other Order. In the event the Abilene/Taylor County Public Health District confirms a positive COVID-19 test result, this Modified Order will immediately and automatically be modified to PROHIBIT Community Gatherings of 10 persons or more anywhere in the City of Abilene beginning at 5:00 PM on the day of the announcement.

NOW THEREFORE, I, MAYOR OF THE CITY OF ABILENE, PURSUANT TO THAT AUTHORITY VESTED BY THE TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

Section 1. That the findings and recitations set out in the preamble of this ORDER, and the Order issued on March 16, 2020, are found to be true and correct and they are hereby adopted by the Mayor and made a part hereof for all purposes.

Section 2. That the findings and recitations set out in the Declaration of Local Disaster are found to be true and correct and they are hereby adopted by the Mayor and made a part hereof for all purposes.

Section 3. Effective as of 12:01 a.m. on Wednesday, March 18, 2020, and continuing until 8:00 p.m. on Sunday, March 22, 2020, or unless terminated, modified or extended by other Order of the Mayor of the City of Abilene, deems it in the public interest to **PROHIBIT any public or private Community Gatherings of 250 or more persons (as defined in Section 6, below) anywhere in the City of Abilene.**

Section 4. Effective as of 8:00 p.m. on Sunday, March 22, 2020, and continuing for so long as the Declaration of Local Disaster is in effect, or unless terminated modified or extended by other Order of the Mayor of the City of Abilene; deems it in the public interest to **PROHIBIT any public or private Community Gatherings of 50 or more persons (as defined in Section 6 below) anywhere in the City of Abilene.**

Section 5. Effective as of 5:00 p.m. on the day the Abilene\Taylor County Health District announces the confirmation of a positive COVID-19 test result, and continuing for so long as the Declaration of Local Disaster is in effect, or unless terminated modified or extended by other Order of the Mayor of the City of Abilene; deems it in the public interest to **PROHIBIT any public or private Community Gatherings of 10 or more persons (as defined in Section 6 below) anywhere in the City of Abilene.**

Section 6. Definitions:

- a. For purposes of this Order, a “Community Gathering” is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together the prohibited number of persons at the same time in a single room or other single confined space or enclosed space, such as an auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, restaurant, or nightclub/bar, or any other confined indoor or confined outdoor space. For clarity, this includes, but is not limited to, weddings, religious gatherings, parties, funerals, sporting events, social events, conferences, music and art festivals, livestock events, agricultural events, rodeos, and other large gatherings. Community Gatherings do not include childcare facilities.
- b. An outdoor “Community Gathering” under this Order is limited to events in confined outdoor spaces, which means an outdoor space that (i) is enclosed by a fence, physical barrier, or other structure and (ii) where people are present and they are within arm’s length of one another for extended periods.
- c. This Order also does not prohibit gatherings of people in multiple, separate enclosed spaces (including separate cubicles) in a single building such as a multiplex movie theater, school classrooms, or different floors of a multi-level building, so long as the prohibited number of people are not present in any single space at the same time. This Order also does not prohibit the use of enclosed spaces where the prohibited number of people may be present at

different times during the day, so long as the prohibited number of people are not present in the space at the same time.

- d. For purposes of clarity, a "Community Gathering" does not include spaces where the prohibited number of persons may be in transit on buses, trains or airplanes; or waiting for transit, such as airports, bus stopes or terminals. In addition, "Community Gatherings" does not include the following spaces where the prohibited number of persons may congregate, so long as visitors are generally not within arm's length or one another for extended periods:

- (i) Office space or residential buildings;
- (ii) Grocery stores, shopping malls, or other retail establishments where large numbers of people may be present but it is unusual for them to be within arm's length of one another for extended periods; and
- (iii) Hospitals and medical offices and facilities.

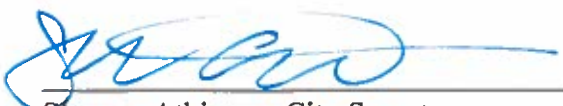
Section 7. That peace officers, City of Abilene Code Enforcement officers, and the Office of the Abilene Fire Marshall, are hereby authorized to enforce this Order. Persons who violate this Order violate the Abilene City Code. A violation is a misdemeanor punishable by a fine not to exceed \$500.

Section 8. The City of Abilene will post this Order on its website. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions of this Order.

ORDERED this the 18th day of March 2020, in the City of Abilene, Taylor County, Texas, in witness whereof I subscribe my name and cause to be affixed the seal of the City of Abilene.


Anthony Williams, Mayor

FILED with me, the City Clerk of the City of Abilene, this 18th day of March 2020, by Mayor Anthony Williams, whose signature I hereby attest under my hand and the seal of the City of Abilene.


Shawna Atkinson, City Secretary

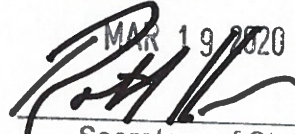


GOVERNOR GREG ABBOTT

March 19, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:59 AM O'CLOCK

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

MAR 19 2020

Secretary of State

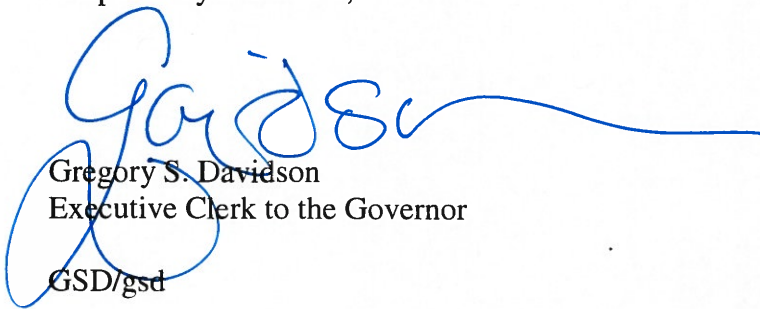
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-08 relating to COVID-19 preparedness and mitigation.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
March 19, 2020

EXECUTIVE ORDER
GA 08

Relating to COVID-19 preparedness and mitigation.

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying that COVID-19 poses an imminent threat of disaster for all counties in the state of Texas; and

WHEREAS, COVID-19 continues to spread and to pose an increasing, imminent threat of disaster throughout Texas; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has advised that person-to-person contact heightens the risk of COVID-19 transmission; and

WHEREAS, the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the CDC on March 16, 2020, call upon Americans to slow the spread of COVID-19 by avoiding social gatherings in groups of more than 10 people, using drive-thru, pickup, or delivery options at restaurants and bars, and avoiding visitation at nursing homes, among other steps; and

WHEREAS, the Texas Department of State Health Services has now determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, under the Texas Disaster Act of 1975, "[t]he governor is responsible for meeting . . . the dangers to the state and people presented by disasters" (Section 418.001 of the Texas Government Code), and the legislature has given the governor broad authority to fulfill that responsibility.

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective 11:59 p.m. on March 20, 2020, and continuing until 11:59 p.m. on April 3, 2020, subject to extension thereafter based on the status of COVID-19 in Texas and the recommendations of the CDC:

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:59 AM O'CLOCK
MAR 19 2020

- Order No. 1 In accordance with the Guidelines from the President and the CDC, every person in Texas shall avoid social gatherings in groups of more than 10 people.
- Order No. 2 In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged throughout the limited duration of this executive order.
- Order No. 3 In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.
- Order No. 4 In accordance with the Guidelines from the President and the CDC, schools shall temporarily close.

This executive order does not prohibit people from visiting a variety of places, including grocery stores, gas stations, parks, and banks, so long as the necessary precautions are maintained to reduce the transmission of COVID-19. This executive order does not mandate sheltering in place. All critical infrastructure will remain operational, domestic travel will remain unrestricted, and government entities and businesses will continue providing essential services. For offices and workplaces that remain open, employees should practice good hygiene and, where feasible, work from home in order to achieve optimum isolation from COVID-19. The more that people reduce their public contact, the sooner COVID-19 will be contained and the sooner this executive order will expire.

This executive order supersedes all previous orders on this matter that are in conflict or inconsistent with its terms, and this order shall remain in effect and in full force until March 31, 2020, subject to being extended, modified, amended, rescinded, or superseded by me or by a succeeding governor.



Given under my hand this the
19th day of March, 2020.

A handwritten signature in black ink, reading "Greg Abbott", written over a horizontal line.

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink, reading "Ruth R. Hughes", written over a horizontal line.

RUTH R. HUGHES
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:59am O'CLOCK

MAR 19 2020



**City Council
Agenda Memo**

City Council Meeting Date: 3/23/2020

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: **3. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Temporarily Suspending the Requirements of the Public Information Act**

GENERAL INFORMATION

Pursuant to Section 552.233(b), Texas Government Code, a governmental body may suspend the applicability of the requirements of the Public Information Act if the governmental body is currently impacted by a condition or occurrence that interferes with the ability of a governmental body to comply with the requirements of the Act.

The Declaration of Local Disaster due to the COVID-19 pandemic is such a condition or occurrence that interferes with the ability of the City of Abilene to comply with the requirements of the Act.

SPECIAL CONSIDERATIONS

A governmental body may suspend its requirements under the Public Information Act for an initial period of 7 consecutive days, with a consecutive 7 day extension allowed. COVID-19 is expected to continue to interfere with the City's ability to comply with the requirements of the Public Information Act for a period exceeding 14 consecutive days.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends that the City Council temporarily suspend the City's requirements of the Public Information Act for an initial period of 7 consecutive days, and for an additional extension of 7 consecutive days, for a total of 14 days.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2020 Resolution - Suspending PIA

RESOLUTION: _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
TEMPORARILY SUSPENDING THE APPLICABILITY OF THE REQUIREMENTS OF THE
PUBLIC INFORMATION ACT

WHEREAS, the Mayor of the City of Abilene issued a proclamation Declaring a Local Disaster on March 16, 2020 due to the COVID-19 pandemic; and

WHEREAS, pursuant to section 552.233(b) of the Texas Government Code, a governmental body may suspend the applicability of the requirements of the Public Information Act for a period of 7 consecutive day; and

WHEREAS, the governing body may extend the suspension of the applicability of the requirements of the Public Information Act for an additional period of 7 consecutive days;

WHEREAS, the current COVID-19 pandemic, and the local disaster caused by the virus, is a condition or occurrence that interferes with the ability of the City of Abilene to comply with the requirements of the Public Information Act, and the condition or occurrence will last more than 14 consecutive days.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF ABILENE, TEXAS:**

Part 1. That the City Council hereby finds that the City of Abilene is currently impacted by a condition or occurrence that interferes with the ability of the City to comply with the requirements of the Public Information Act.

Part 2: That the applicability of the requirements of the Public Information Act should be suspended for an initial period of 7 consecutive days upon adoption of this Resolution.

Part 3; That the applicability of the requirements of the Public Information Act should be further suspended for an additional period of 7 consecutive days following the initial period of suspension.

Part 4. That this resolution becomes effective immediately upon adoption.

ADOPTED this the 23rd day of March, 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney



**City Council
Agenda Memo**

City Council Meeting Date: 3/23/2020

TO: Mayor and City Council Members

FROM: Robert Hanna, City Manager

SUBJECT: 4. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving a Chapter 380 Agreement with the United Way of Abilene

GENERAL INFORMATION

More information will be provided.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2020 Resolution 380 Agreement United Way
2. Chapter 380 Agreement - UW - COVID-19

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO EXECUTE A CHAPTER 380 AGREEMENT
WITH THE UNITED WAY OF ABILENE**

WHEREAS, the United Way of Abilene is responding to the local disaster caused by the COVID-19 virus by providing much needed assistance and services to the residents and businesses of the city of Abilene; and

WHEREAS, the City of Abilene desires to assist the United Way of Abilene, and its partner agencies, with personnel and other city resources as may be required in their response to the local disaster; and

WHEREAS, the State of Texas has authorized cities to create economic development programs in accordance with Article III, Chapter 52-a of the Texas Constitution and Chapter 380 of the Texas Local Government Code; and

WHEREAS, the City Council approved Resolution No. 49-2016 creating a Chapter 380 economic development program for the City of Abilene; and

WHEREAS, the City desires to enter into a Chapter 380 Economic Development Agreement with United Way of Abilene in order to implement the economic development program developed by the City to enhance and expand the City's commercial, economic and employment base to the long term interest and benefit of the City and the State of Texas; and

WHEREAS, United Way of Abilene, and its partner agencies, during the COVID-19 pandemic and local state of disaster, intend to provide residential housing payment assistance, and staffing of daycare facilities, food pantries and other United Way member entities, to allow the Abilene business community and employees to focus on their businesses; and

WHEREAS, the City desires to provide, in its sole discretion, staffing of city employees and other economic incentives to assist the United Way of Abilene in providing the residential housing payment assistance and staffing of daycare facilities, food pantries and other United Way member entities, during the COVID-19 pandemic and local state of disaster; and

WHEREAS, public health, safety and welfare is an intrinsic public infrastructure need, and the Chapter 380 economic development program will contribute to the public health, safety and welfare of the Abilene business community, and therefore is an essential public infrastructure component; and

WHEREAS, the City hereby finds that the Chapter 380 economic development Agreement embodies an eligible "project" and clearly promotes economic development in the City and, as such, meets the requisite under Chapter 380 of the Texas Local Government Code and is in the best interests of the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

Part 1: The City Council authorizes the City Manager to execute a Chapter 380 Economic Development Agreement with the United Way of Abilene to provide staffing of city employees, and provide other economic incentives, to assist the United Way of Abilene to provide residential housing payment assistance, and to provide staffing of daycare facilities, food pantries and other United Way member entities during the COVID-19 pandemic and local state of disaster, which will allow the Abilene business community to focus on their local businesses.

Part 2: That the statements and findings in the above WHEREAS clauses are hereby affirmed and adopted.

Part 3: That is Resolution takes effect immediately upon its adoption.

ADOPTED this 23rd day of March, 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

CHAPTER 380 AGREEMENT BETWEEN THE CITY OF ABILENE AND UNITED WAY OF ABILENE

This Chapter 380 Agreement (“Agreement”) is effective as of the 23rd day of March, 2020 (“Effective Date”), by and between the UNITED WAY OF ABILENE, a nonprofit corporation (“United Way”), and the CITY OF ABILENE, TEXAS, a home rule city and municipal corporation (“City”), for the purposes and considerations stated below.

RECITALS

WHEREAS, the United Way is responding to the local disaster caused by the COVID-19 virus by providing much needed assistance and services to the residents and businesses of the city of Abilene; and

WHEREAS, the City of Abilene desires to assist the United Way of Abilene, and its partner agencies, with personnel and other city resources as may be required in their response to the local disaster; and

WHEREAS, the State of Texas has authorized cities to create economic development programs in accordance with Article III, Chapter 52-a of the Texas Constitution and Chapter 380 of the Texas Local Government Code; and

WHEREAS, the City Council approved Resolution No. 49-2016 creating a Chapter 380 economic development program for the City of Abilene; and

WHEREAS, the City desires to enter into a Chapter 380 Economic Development Agreement with United Way of Abilene in order to implement the economic development program developed by the City to enhance and expand the City’s commercial, economic and employment base to the long term interest and benefit of the City and the State of Texas; and

WHEREAS, United Way of Abilene, and its partner agencies, during the COVID-19 pandemic and local state of disaster, intend to provide residential housing payment assistance, and staffing of daycare facilities, food pantries and other United Way member entities, to allow the Abilene business community and employees to focus on their businesses; and

WHEREAS, the City desires to provide staffing of city employees and other economic incentives to assist the United Way of Abilene in providing the residential housing payment assistance and staffing of daycare facilities, food pantries and other United Way member entities, during the COVID-19 pandemic and local state of disaster; and

WHEREAS, public health, safety and welfare is an intrinsic public infrastructure need, and the Chapter 380 economic development program will contribute to the public health, safety and welfare of the Abilene business community, and therefore is an essential public infrastructure component; and

WHEREAS, the City hereby finds that the Chapter 380 economic development Agreement embodies an eligible “project” and clearly promotes economic development in the City and, as such, meets the requisite under Chapter 380 of the Texas Local Government Code and is in the best interests of the City.

NOW THEREFORE, in consideration of the foregoing premises and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, it is hereby agreed as follows:

I. AUTHORITY

- 1.01 The Agreement is authorized by state law, including but not limited to Chapter 380 of the Texas Local Government Code, and is within the authority of the City and constitutes a legal and binding obligation of the City.
- 1.02 The United Way’s execution and performance of this Agreement constitutes a valid and binding obligation of the United Way.
- 1.03 The factual recitals and findings set forth above are found to be true and correct for all purposes, and are incorporated into this Agreement.

II. DEFINITIONS

- 2.01. **Program** means the economic development program identified in Article IV herein and established by the City pursuant to this Agreement.

III. TERM

- 3.01 This Agreement shall be effective as of the date of execution of both parties. This Agreement shall remain in full force and effect until the earlier of: (A) each party hereto has completed their respective obligations hereunder; or (B) one year from the Effective Date (“**Term**”).

IV. ECONOMIC DEVELOPMENT PROGRAM

- 4.01 Pursuant to Chapter 380 of the Texas Local Government Code, the City shall provide, *in its sole discretion*, staffing of city employees and other economic incentives to assist the United Way and its partner entities in providing residential housing payment assistance, and staffing of daycare facilities, food pantries and other United Way member entities, during the COVID-19 pandemic and local state of disaster.

V. DEVELOPER'S OBLIGATIONS AND DUTIES

- 5.01 The United Way shall provide residential housing payment assistance, and staffing of daycare facilities, food pantries and other United Way member entities, during the COVID-19 pandemic and local state of disaster. The United Way shall document in writing any residential housing payment assistance provided with funds received from the City, and shall document in writing the hours of staffing provided by city employees in furtherance of this Agreement. On a monthly basis, the United Way shall provide the City with the written documentation required herein.

VI. CITY OBLIGATIONS AND DUTIES

- 6.01 Provide the Economic Incentives to the United Way pursuant to the terms and conditions of this Agreement.

VII. DEFAULT

- 7.01 If any party should default upon any terms or obligations with respect to this Agreement ("**Defaulting Party**"), the other party ("**Complaining Party**") shall provide written notice of the default and shall reasonably include the actions required to cure such default. If the Defaulting Party cures the default within thirty (30) days after notice of default is received ("**Cure Period**"), or commences to cure default within said thirty (30) days and diligently pursues the cure to its conclusion, then this Agreement shall continue as if no default occurred.
- 7.02 In the event that the Defaulting Party fails to cure the default as required by Section 7.01 above, the Complaining Party may, by action or proceeding at law or in equity, be awarded damages and/or specific performance for such default, including reasonable attorney's fees and costs.

VIII. GENERAL PROVISIONS

- 8.01 **UNITED WAY COVENANTS AND AGREES TO AND DOES HEREBY FULLY INDEMNIFY, HOLD HARMLESS AND DEFEND THE CITY, ITS OFFICERS, AGENTS, SERVANTS, AND EMPLOYEES FROM ALL CLAIMS, SUITS OR CAUSES OF ACTION OF ANY NATURE WHATSOEVER WHETHER REAL OR ASSERTED, BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES TO PERSONS OR PROPERTY, INCLUDING DEATH, RESULTING FROM OR IN ANY WAY CONNECTED WITH THIS AGREEMENT. IN ADDITION, UNITED WAY COVENANTS TO INDEMNIFY, HOLD HARMLESS AND DEFEND THE CITY, ITS OFFICERS, AGENTS, SERVANTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, SUITS OR CAUSES OF ACTION OF ANY NATURE WHATSOEVER, BROUGHT FOR OR ON ACCOUNT OF INJURIES OR DAMAGES TO PERSONS OR PROPERTY, INCLUDING DEATH, RESULTING FROM THE FAILURE OF UNITED WAY OR ITS MEMBERS TO PROPERLY SAFEGUARD THE WORK, ON ACCOUNT OF ANY ACTS, INTENTIONAL OR OTHERWISE, NEGLIGENCE OR MISCONDUCT OF THE UNITED WAY, ITS MEMBERS, AGENTS, SERVANTS OR EMPLOYEES.**
- 8.02 If any provision of this Agreement, or a portion thereof, or the application thereof to any person or circumstances shall to any extent be held invalid, inoperative or unenforceable, the remainder of this Agreement, or the application of such provision or portion thereof to any other persons or circumstances, shall not be affected thereby. It shall not be deemed that any such invalid provision affects the consideration for this Agreement, and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
- 8.03 This Agreement shall be construed in accordance with the laws of the State of Texas. Venue for any action brought under this Agreement shall be in Taylor County, Texas.
- 8.04 United Way shall not assign this Agreement without the express written consent of the City.
- 8.05 Nothing in this Agreement shall be construed to make the parties hereto partners or joint venturers or render any of said parties liable for the debts or obligations of any other of said parties. Any city employees provided to the United Way during the term of this Agreement shall remain the employees of the City, and under the City's direction, and shall not be considered employees of the United Way.

- 8.06 Except as otherwise expressly provided herein, this Agreement may only be amended, modified or terminated by a declaration in writing, executed and acknowledged by all the parties to this Agreement.
- 8.07 This Agreement constitutes the entire agreement of the parties with respect to the matters set forth herein, and supersedes all prior discussions and agreements between the parties.
- 8.08 This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective legal representatives, successors and assigns.
- 8.09 In the event any legal proceeding is commenced to enforce or interpret provisions of this Agreement, the prevailing party in any such legal action shall be entitled to recover its reasonable attorney's fees and expenses incurred by reason of such action.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGE FOLLOWS.]

SIGNED AND EFFECTIVE on the date last set forth below.

UNITED WAY OF ABILENE

240 Cypress Street
Abilene, TX 79601

By: _____
(signature)

ATTEST:

Printed Name: _____

(signature)

Its: _____
(title)

(printed name and title)

CITY OF ABILENE

555 Walnut
Abilene, Texas 79601

ATTEST:

Robert Hanna, City Manager

Shawna Atkinson, Interim City Secretary

APPROVED AS TO FORM:

Stanley Smith, City Attorney

STATE OF TEXAS)
) ACKNOWLEDGEMENT
COUNTY OF TAYLOR)

This instrument was acknowledged before me on the _____ day of _____, 2020, by _____, in his/her capacity as President of United Way of Abilene.

Notary Public in and for
the State of Texas

STATE OF TEXAS)
) ACKNOWLEDGEMENT
COUNTY OF TAYLOR)

This instrument was acknowledged before me on the _____ day of _____, 2020, by Robert Hanna, in his capacity as City Manager of the City of Abilene, a Texas home-rule municipality, on behalf of said municipality.

Notary Public in and for
the State of Texas